

### REMARKS

Claims 6–9, 23 and 25–31 are pending in this application. Applicants note with appreciation that Claims 6 and 9 are allowed. Applicants believe that Claim 23 should also be allowed, and Applicants respectfully request clarification of the status of Claim 23 in the next communication.

Claims 7, 8, 30 and 31 are amended herein to point out particular features of the claimed invention so as to expedite the prosecution of the present application to allowance in accordance with the USPTO Patent Business Goals (65 Fed. Reg. 54603, September 8, 2000). These amendments are merely cosmetic and do not narrow the scope of the claimed invention. These amendments have been made to put this application in better condition for allowance and raise no new issues, and Applicants respectfully request entry thereof. The remaining issues under 35 U.S.C. § 112 and §102 are addressed below.

#### **Claim Rejections - 35 U.S.C. § 112, Second Paragraph**

Claims 7, 8, 25, 30 and 31 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The individual indefiniteness rejections will be addressed below in the order presented in the Office Action.

Claims 7 and 8 are amended herein to recite, "...or a subsequence thereof, wherein said subsequence encodes an Epstein-Barr Virus peptide that is immunochemically reactive with antibodies to the Epstein-Barr Virus" in order to clarify the claimed subject matter as suggested by the Examiner.

Claims 25, 30 and 31 are amended herein to recite: "(b) reagent(s) for the amplification of Epstein-Barr Virus nucleic acid sequences with the primer(s) in (a)" in order to provide clearer antecedent basis.

In view of the foregoing, it is respectfully submitted that the outstanding rejection has been obviated. Accordingly, Applicants request that the outstanding indefiniteness rejections be withdrawn.

**Claim Rejections - 35 U.S.C. § 102(b)**

Claims 7, 8 and 26–31 stand rejected for allegedly being anticipated by Ambinder et al. (1989). The Office Action maintains that the claims can be construed as encompassing a nucleic acid with a single common nucleotide with the nucleic acids of Ambinder et al., in particular, in view of the rejection of Claims 7 and 8 under 35 U.S.C. § 112, second paragraph. Claims 7 and 8 have been amended to recite an amino acid sequence "comprising SEQ ID NO.: [ ] or a subsequence thereof, wherein said subsequence encodes an Epstein-Barr Virus peptide that is immunochemically reactive with antibodies to the Epstein-Barr Virus." The claims recite a subsequence that encodes an immunoreactive peptide and therefore the claimed subsequences is clearly longer than one nucleotide in length. Ambinder et al. does not disclose nucleic acid sequences that encode peptides that are immunochemically reactive with antibodies to the Epstein-Barr Virus. Thus Applicants submit that the instant claims are not anticipated by Ambinder et al., and respectfully request that the outstanding rejection be withdrawn.

The points and concerns raised in the outstanding Office Action having been addressed in full, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested. Should the Examiner have any remaining concerns, it is requested that the Examiner contact the undersigned attorney to expedite the prosecution of this application.

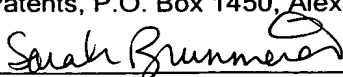
Respectfully submitted,



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